

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

CITY OF SEATTLE,)	No. 11-2-04927-2SEA
)	
)	
Plaintiff,)	
)	
vs.)	[Proposed revised]
)	ORDER GRANTING THE CITY'S
ROBERT D. DAVIS and ASF, Inc.,)	MOTION FOR A PERMANENT
)	INJUNCTION
)	
Defendants.)	
)	

The City of Seattle's ("City") Motion for Injunctive Relief was heard by the court on March 11, 2011. The Court heard argument from Robert D. Tobin, Assistant City Attorney representing the City, and Kristin G. Olson representing the defendants. The Court read the City's Motion for Injunctive Relief, Defendants' Response to Motion for Injunctive Relief, and the City's Reply Brief in Support of the Motion for Injunctive Relief. The Court also considered the following exhibits:

A. City's Exhibits:

1. Seattle Municipal Code 23.47A.004 (H).

ORDER GRANTING THE CITY'S MOTION FOR
A PERMANENT INJUNCTION - 1

ORIGINAL

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2. Order Regarding Cross Motions for Summary Judgment, ATL Corporation v. City of Seattle, United States District Court (W.D. Wash, 2010), WL 2836164.
3. Letter from Andrew S. McKim to Bob Davis, April 14, 2008.
4. Letter from Andrew S. McKim to Bob Davis, May 23, 2008
5. Letter from Kristin Olsen to Robert Tobin, August 12, 2008.
6. Letter from Robert Tobin to Kristin Olsen, August 25, 2008.
7. Letter from Robert Tobin to Kristin Olsen, July 22, 2009.
8. Building Permit Field Inspection Report, June 29, 2010.
9. Letter from Andrew S. McKim to Bob Davis, November 12, 2010.
10. Letter from Bob Davis to Andrew S. McKim, November 29, 2010.
11. Declaration of Kevin Hou
12. Declaration of Andy McKim
13. Declaration of Jackie Mitchell
14. Declaration of Robert Tobin
15. Second Declaration of Andy McKim
16. Second Declaration of Jackie Mitchell
17. Declaration of Denise Movius
18. Declaration of Sue Putnam from ATL Corporation v. City of Seattle.

B. Defendants' Exhibits:

1. Declaration of Robert Davis
2. Declaration of Randy Barnard

Based upon the argument of counsel and the evidence presented, this Court entered Findings of Fact and Conclusions of Law, a copy of which is attached to this Order as Exhibit A.

1 For the reasons set forth in the attached Findings of Fact and Conclusions of Law, the Court
2 ORDERS:

- 3 1. The City of Seattle's Motion for Injunctive Relief is granted.
4 2. The defendants are permanently enjoined from operating an adult cabaret, as that
5 use is defined by SMC 23.47A.004, at 5220 Roosevelt Way NE in Seattle, without first obtaining
6 a Master Use Permit from the City of Seattle allowing an adult cabaret at that location.
7 3. This order shall go into effect immediately upon entry of the order.
8

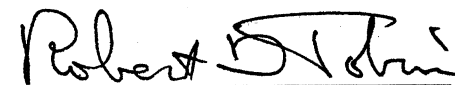
9 DATED this 11 day of March, 2011.

10 
11 The Honorable Suzanne Barnett

12 Presented by:

13 PETER S. HOLMES
14 Seattle City Attorney

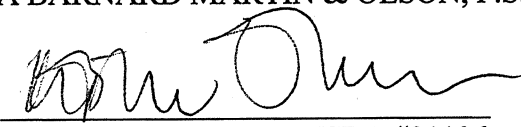
15 By:

16 
17 ROBERT D. TOBIN, WSBA #7517
Assistant City Attorney
Attorneys for Plaintiff City of Seattle

18 Approved as to form; Notice of presentation
19 waived:

20 O'SHEA BARNARD MARTIN & OLSON, P.S.

21 By:

22 
KRISTIN G. OLSON, WSBA #21106
Attorneys for Defendants

23
ORDER GRANTING THE CITY'S MOTION FOR
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